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SABA SOFTWARE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IP LEARN, LLC,
Plaintiff and Counterdefendant,
v.
SABA SOFTWARE INC.,
Defendant and Counterclaimant

No. C 02-02634 JW

SABA'S PROPOSED CLAIM TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION

(Patent L.R. 4-1)

AND RELATED COUNTERCLAIMS

Pursuant to Northern District Patent Local Rule 4-1, Saba hereby submits its proposed claim terms, phrases, or clauses for construction for U.S. Patent No. 5,779,486 (the “486 patent”), U.S. Patent No. 5,934,909 (the “909 patent”), U.S. Patent No. 6,118,973 (the “973 patent”), U.S. Patent No. 6,126,448 (the “448 patent”), and U.S. Patent No. 6,398,556 (the “556 patent”). These terms and phrases are in addition to the terms and phrases listed in Saba’s Proposed Claim Terms and Claim Elements for Construction, dated December 4, 2002.

1 **I. TERMS FOR CONSTRUCTION FROM THE '486, '909, AND**
2 **'973 PATENTS**

3 Saba proposes that the following terms or phrases be construed:

4 relationship rules
5 pre-requisite rules
6 inference engine
7 pre-requisite analyzer
8 score generator
9 generate/generating a score
10 overall score/overall scores
11 question generator
12 generate/generating...questions
13 test-results-storage medium
14 analysis-rules-storage medium
15 complexity-hierarchy
16 first computing device
17 second computing device
18 analyzing...test results
19 assessing/assessment
20 plurality
21 prior-to-the-latest test results
22 server computer
23 client computer

24 **II. TERMS FOR CONSTRUCTION FROM THE '448 PATENT**

25 Saba proposes that the following terms or phrases be construed:

26 job position
27 job/jobs
28

1 ascertain/ascertaining/ascertained
2 profile
3 learning materials
4

5 **III. TERMS FOR CONSTRUCTION FROM THE '556 PATENT**

6 Saba proposes that the following terms or phrases be construed:

7 institute user
8 learning user
9 pays to access

10 materials regarding the user/materials regarding the learning user/materials
11 regarding at least one learning user/materials regarding the at least one learning
user

12 ascertaining
13 modularized as learning objects

14 Dated: January 29, 2003

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